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5 Attorneys for Defendant COSTCO WHOLESALE
CORPORATION

7 **UNITED STATES DISTRICT COURT**
8 **NORTHERN DISTRICT OF CALIFORNIA**

11 LEIGH PATTERSON, an individual,

12 Plaintiff,
13 v.

14 COSTCO WHOLESALE CORPORATION, a
Corporation, CHERYL “DOE”, and individual,
15 and DOES 1 through 25, inclusive,

16 Defendants.

Case No.

[Humboldt County Superior Court Case
No. CV2200529]

**DEFENDANT COSTCO
WHOLESALE CORPORATION’S
REQUEST FOR JUDICIAL NOTICE
[FRE 201]**

Complaint Filed: April 19, 2022

18 **PLEASE TAKE NOTICE** that in support of its Notice of Removal, pursuant to the
19 Federal Rules of Evidence rule 201, Defendant COSTCO WHOLESALE CORPORATION
20 (“Costco”) requests this Court take judicial notice of the following:

21 1. A true and correct copy of Plaintiff LEIGH PATTERSON’s (“Plaintiff”) Summons
and Complaint filed on April 19, 2022, in the Humboldt County Superior Court, Case No.
22 CV2200529, which Costco received on May 19, 2022, is attached to this Request for Judicial
23 Notice as **Exhibit A**.

24 2. Plaintiff is a resident of Alameda County, California, as alleged in the operative
Complaint.

25 3. A true and correct copy of Costco’s Answer contemporaneously filed in Case No.

1 CV2200529 of the Humboldt County Superior Court is attached to this Request for Judicial Notice
 2 as **Exhibit B**.

3 4. Costco is a corporation formed and organized under the laws of the State of
 4 Washington, as evidenced by the Amended Statement of Designation by a Foreign Corporation, a
 5 true and correct copy of which is attached to this Request for Judicial Notice as **Exhibit C**, and
 6 which is found on the California Secretary of State Website.

7 5. Costco Wholesale Corporation's principal place of business is located at 999 Lake
 8 Drive, Issaquah, Washington 98027, as evidenced by the Statement of Information filed by Costco
 9 on June 27, 2019 with the California Secretary of State, a copy of which is attached to this Request
 10 for Judicial Notice as **Exhibit D**, and which is found on the California Secretary of State Website.

11 **A. LEGAL AUTHORITY FOR TAKING JUDICIAL NOTICE OF THIS**
 12 **MATERIAL**

13 This Court may take judicial notice at any stage of the proceeding. Fed R. Evid. 201(d).
 14 Paragraph (b)(2) of Rule 201 states in part that “[t]he court may judicially notice a fact that is not
 15 subject to reasonable dispute because it: ... can be accurately and readily determined from sources
 16 whose accuracy cannot reasonably be questioned.” Exhibits A-D are public records maintained by
 17 the State of California and readily accessible through the California Secretary of state website, and
 18 the Contra Costa County Superior Court. The aforementioned facts are maintained by reliable
 19 sources and cannot reasonably be questioned.

20 In light of the foregoing, Costco requests this Court take judicial notice of the following
 21 facts: (1) Plaintiff filed a Complaint with the Alameda County Superior Court against Costco on
 22 March 17, 2022 alleging causes of action for negligence and premises liability; (2) Plaintiff is a
 23 resident of the State of California; (3) Costco received the Complaint on May 19, 2022; (4) Costco
 24 contemporaneously filed an Answer to Plaintiffs' Complaint in Case No. CV2200529 of the
 25 Humboldt County Superior Court, with this Notice of Removal and supporting documents,
 26 generally denying Plaintiffs' claims and asserting various affirmative defenses; (5) Costco is a
 27 corporation duly incorporated in the State of Washington; and (6) Costco's principal place of

1 business is located in the State of Washington.

2 **B. CONCLUSION**

3 For all of the aforementioned reasons, Defendant Costco respectfully requests that this
4 Court take judicial notice of the records and facts set forth above.

5 Dated: June 21, 2022

FREEMAN MATHIS & GARY, LLP

6
7 By:



Sharon C. Collier
Attorneys for Defendant COSTCO
WHOLESALE CORPORATION

Exhibit A

SUM-100

SUMMONS
(CITACION JUDICIAL)

NOTICE TO DEFENDANT: COSTCO WHOLESALE CORPORATION, a
(AVISO AL DEMANDADO): Washington Corporation; CHERYL DOE, an
individual; and DOES 1-25, inclusive.

YOU ARE BEING SUED BY PLAINTIFF: LEIGH PATTERSON, an individual.
(LO ESTÁ DEMANDANDO EL DEMANDANTE):

FOR COURT USE ONLY (SOLO PARA USO DE LA CORTE)
FILED N APR 19 2022 P
SUPERIOR COURT OF CALIFORNIA COUNTY OF HUMBOLDT

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. NOTE: The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case.

AVISO! Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. AVISO: Por lo general, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:

(El nombre y dirección de la corte es):
Superior Court of California, County of Humboldt

825 Fifth Street

Eureka, California 95501

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is: John N. Metri, Esq.

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

DOWNTOWN LA LAW GROUP

601 N. Vermont Ave., Los Angeles, CA 90004

DATE: **APR 19 2022**

Clerk, by **Natalsha P.**
(Secretario)

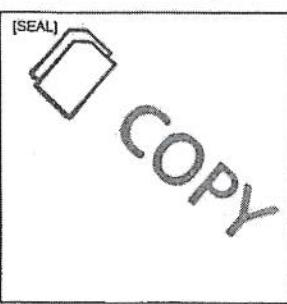
(213) 389-3765

KIM M. BARTLESON Deputy
(Adiunta)

5/19/22

vía Naval delivery

Joanne Hallenbeck



- NOTICE TO THE PERSON SERVED:** You are served
1. as an individual defendant.
 2. as the person sued under the fictitious name of (specify):
 3. on behalf of (specify): **Costco Wholesale C**
under: CCP 416.10 (corporation)
 CCP 416.20 (defunct corporation)
 CCP 416.40 (association or partnership)
 other (specify):
 4. by personal delivery on (date):



FILED

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APR 19 2022

P

SUPERIOR COURT OF CALIFORNIA
COUNTY OF HUMBOLDT

1 John N. Metri, Esq. - State Bar No. 337581
2 DOWNTOWN L.A. LAW GROUP
3 601 N. Vermont Ave.
4 Los Angeles, CA 90004
5 Tel: (213) 389-3765
6 Fax: (877) 389-2775
7 Email: John.Metri@downtownlalaw.com

6 Attorneys for Plaintiff
7 LEIGH PATTERSON

8 SUPERIOR COURT OF CALIFORNIA
9 COUNTY OF HUMBOLDT

10 11 LEIGH PATTERSON, an individual.

Case No.: CV2200529

12 Plaintiff,

COMPLAINT FOR DAMAGES

13 v.
14 COSTCO WHOLESALE CORPORATION, a
15 Washington Corporation; CHERYL DOE, an
16 individual; and DOES 1-25, inclusive.

1. NEGLIGENCE
2. PREMISES LIABILITY

17 Defendants.
18
19 [JURY DEMANDED]

20
21 COMES NOW, Plaintiff, LEIGH PATTERSON , and alleges against Defendants, and
22 each of them, as follows:

- 23 1. Plaintiff LEIGH PATTERSON is an individual and is now, and at all times
24 mentioned in this complaint was, an adult resident of Humboldt County, California.
25 2. Plaintiff is informed and believes, and based upon such information and belief alleges
26 that at all times relevant hereto Defendants COSTCO WHOLESALE CORPORATION, a
27 Washington Corporation; CHERYL DOE, an individual; and DOES 1-25, inclusive, are, and
28 at all times herein mentioned were individuals, corporations, sole proprietors, shareholders,

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Los Angeles, CA 90004

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Los Angeles, CA 90004

1 associations, partners and partnerships, joint venturers, and/or business entities unknown,
2 primarily residing and doing business in the county of Humboldt, State of California.

3 3. Plaintiff is informed and believes, and based upon such information alleges that
4 Defendant CHERYL DOE was a supervisor and/or manager of the store at the time of
5 Plaintiff's incident. Based on information and belief, CHERYL DOE is now, and at all times
6 mentioned in this complaint was, an adult resident of Humboldt County, California. It is
7 believed that CHERYL DOE was responsible for the maintenance of the store and equipment
8 at the time of Plaintiff's incident, was responsible to verify that there was in place a policy
9 which provided for the maintenance of the store and equipment according to industry
10 standards, was responsible for the training and education of the store employees who were
11 tasked with conducting the maintenance of the store and equipment, and was responsible for
12 verifying that the store and equipment be maintained according to industry standards and
13 sufficient policies and procedures.

14 4. Defendants DOES 1-25, inclusive, are sued herein under fictitious names, their true
15 names and capacities being unknown to Plaintiff. Plaintiff will amend this complaint to
16 allege their true names and capacities when ascertained. Plaintiff is informed and believes
17 and thereon alleges that each of the fictitiously named Defendants is responsible in some
18 manner for the occurrences herein alleged, and that Plaintiff's damages as herein alleged were
19 proximately caused by those Defendants.

20 5. Plaintiff is informed and believes, and based upon such information and belief alleges
21 that at all times relevant hereto Defendants COSTCO WHOLESALE CORPORATION, a
22 Washington Corporation; CHERYL DOE, an individual; and DOES 1-25, inclusive, are, and
23 at all times herein mentioned where individuals, corporations, sole proprietors, shareholders,
24 associations, partners and partnerships, joint venturers, and/or business entities unknown,
25 primarily residing and doing business in the County of Humboldt, State of California. At all
26 times herein mentioned, said Defendants were the owners, lessors, sub-lessors, managing
27 agents, landlords, renters, managers, operators, marketers, inspectors, maintainers and
28 agents.

1 controllers, of a commercial property located at 1006 Wabash Ave., Eureka CA 95502,
 2 (hereinafter referred to as "THE SUBJECT PREMISES"), to which building the general
 3 public is invited to come.

4 6. At all times herein mentioned, each of the Defendants were the agents, servants, and
 5 employees of their co-defendants, and in doing the things hereinafter alleged were acting in
 6 the scope of their authority as agents, servants, and employees, and with permission and
 7 consent of their co-defendants. Plaintiff is further informed and believes, and thereon
 8 alleges, that each of the Defendants herein gave consent to, ratified, and authorized the acts
 9 alleged herein to each of the remaining Defendants.

10 **FIRST CAUSE OF ACTION**

11 **NEGLIGENCE**

12 **(Against All Defendants)**

13 7. Plaintiff re-alleges each and every allegation contained in the above Paragraphs 1
 14 through 6, and by this reference incorporates said paragraphs as though fully set forth herein.

15 8. On April 30, 2020 Plaintiff was lawfully on the premises of Defendants' store for the
 16 purpose of purchasing miscellaneous items. As Plaintiff was walking within the subject
 17 premises, a forklift and/or similar cart being operated by Defendants' employee nearly
 18 struck Plaintiff and forced her to abruptly move and caused her to fall, thereby causing
 19 Plaintiff to sustain the serious injuries and damages described below.

20 9. Said Defendants, and each of them, fully and well knew, or should have known in the
 21 exercise of reasonable care, that the structures and/or components and/or other parts of said
 22 building and equipment were in a dangerous and defective and unsafe condition, and a
 23 menace to Plaintiff and others lawfully on said premises.

24 10. By reason of the aforesaid negligence, carelessness and recklessness of Defendants,
 25 and each of them, as aforesaid, and as a direct and proximate result thereof, a dangerous
 26 forklifts and/or similar carts that were not properly used, installed, maintained, cleaned

27
 28

and/or protected at said property causing Plaintiff to sustain the injuries and damages as hereinafter alleged.

11. As a direct and proximate result of the negligence, carelessness and recklessness of Defendants, and each of them, as aforesaid, Plaintiff was hurt in her health, strength and activity, sustaining severe shock and injuries to her person, all of which said injuries have caused, continue to cause, and will in the future cause Plaintiff great physical and emotional pain and suffering; Plaintiff is informed and believes, and therefore alleges, that said injuries are permanent in nature, all to her damage in a sum according to proof.

12. As a direct and proximate result of the negligence, carelessness and recklessness of Defendants and each of them, as aforesaid, Plaintiff has been required to obtain medical services, and Plaintiff has suffered severe emotional distress.

SECOND CAUSE OF ACTION

PREMISES LIABILITY

(Against All Defendants)

13. Plaintiff re-alleges each and every allegation contained in the above Paragraphs 1 through 12, and by this reference incorporates said paragraphs as though fully set forth herein.

14. On April 30, 2020 Plaintiff was lawfully on the premises of Defendants' store for the purpose of purchasing miscellaneous items. As Plaintiff was walking within the subject premises, a forklift and/or similar cart being operated by Defendants' employee nearly struck Plaintiff and forced her to abruptly move and caused her to fall, thereby causing Plaintiff to sustain the serious injuries and damages described below.

15. On or about April 30, 2020, Defendants COSTCO WHOLESALE CORPORATION, a Washington Corporation; CHERYL DOE, an individual; and DOES 1-25, inclusive, carelessly and negligently owned, rented, managed, leased, supervised, inspected, operated, maintained and/or controlled the premises located at or near 1006 Wabash Ave., Eureka CA 95502, such that it was in a dangerous, defective and unsafe condition in conscious disregard

1 for the risk of harm to invitees thereon. By reason of said carelessness, negligence and
 2 conscious disregard of the Defendants, and each of them, said premises were unsafe and
 3 dangerous to the general public and specifically Plaintiff, LEIGH PATTERSON .

4 16. Defendants COSTCO WHOLESALE CORPORATION, a Washington Corporation;
 5 CHERYL DOE, an individual; and DOES 1-25, inclusive, and each of them, failed to warn
 6 Plaintiff of said dangerous, defective and unsafe condition, although said Defendants, and
 7 each of them, knew of said condition.

8 17. As a direct and legal result of said carelessness, negligence and conscious disregard
 9 of Defendants COSTCO WHOLESALE CORPORATION, a Washington Corporation;
 10 CHERYL DOE, an individual; and DOES 1-25, inclusive, and each of them, Plaintiff was
 11 seriously injured when she fell as she was nearly struck by a forklift and/or similar cart being
 12 operated by Defendants' employee that was not properly used, installed, maintained, cleaned
 13 and/or protected at said property caused Plaintiff to sustain the injuries and damages as
 14 hereinafter alleged.

15 **PRAYER FOR RELIEF**

16 WHEREFORE, Plaintiff demands judgment against Defendants as follows:

- 17 1. For general damages in a sum according to proof;
 18 2. For medical, hospital, and related expenses according to proof;
 19 3. For loss of earnings according to proof;
 20 4. For loss of future earning capacity according to proof;
 21 5. For costs of suit herein incurred;
 22 6. For such other and further relief as this Court may deem proper.

23 DATED: April 19, 2022

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24
 25
 26
 27 John N. Metri, Esq.
 28 Attorney for Plaintiff,
 LEIGH PATTERSON

1 **DEMAND FOR JURY TRIAL**

2 Plaintiff demands trial by jury of all issues so triable.

3

4 DATED: April 19, 2022

DOWNTOWN L.A. LAW GROUP

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7 
John N. Metri, Esq.
Attorney for Plaintiff,
LEIGH PATTERSON

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Downtown L.A. Law Group
601 N. Vermont Ave.
Los Angeles, CA 90004

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):
 John N. Metri, Esq. SBN: 337581
DOWNTOWN LA LAW GROUP
 601 N. Vermont Ave., Los Angeles, CA 90004
 TELEPHONE NO.: (213) 389-3765 FAX NO. (Optional): (877) 389-2775
 E-MAIL ADDRESS: John.Metri@downtownlalaw.com
 ATTORNEY FOR (Name): LEIGH PATTERSON

FOR COURT USE ONLY

FILED N
 APR 19 2022 P

SUPERIOR COURT OF CALIFORNIA
 COUNTY OF HUMBOLDT

SUPERIOR COURT OF CALIFORNIA, COUNTY OF HUMBOLDT
 STREET ADDRESS: 825 Fifth Street
 MAILING ADDRESS: 825 Fifth Street
 CITY AND ZIP CODE: Eureka, CA 95501
 BRANCH NAME: Humboldt County Courthouse
 CASE NAME: LEIGH PATTERSON vs. COSTCO WHOLESALE CORPORATION,
 et. al.

CIVIL CASE COVER SHEET		Complex Case Designation	CASE NUMBER:
<input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000)	<input type="checkbox"/> Limited (Amount demanded is \$25,000 or less)	<input type="checkbox"/> Counter <input type="checkbox"/> Joinder	CV2200529
Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)			
JUDGE: DEPT.:			

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

- | | | |
|---|---|--|
| Auto Tort | Contract | Provisionally Complex Civil Litigation
(Cal. Rules of Court, rules 3.400-3.403) |
| <input type="checkbox"/> Auto (22) | <input type="checkbox"/> Breach of contract/warranty (06) | <input type="checkbox"/> Antitrust/Trade regulation (03) |
| <input type="checkbox"/> Uninsured motorist (46) | <input type="checkbox"/> Rule 3.740 collections (09) | <input type="checkbox"/> Construction defect (10) |
| Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort | <input type="checkbox"/> Other collections (09) | <input type="checkbox"/> Mass tort (40) |
| <input type="checkbox"/> Asbestos (04) | <input type="checkbox"/> Insurance coverage (18) | <input type="checkbox"/> Securities litigation (28) |
| <input type="checkbox"/> Product liability (24) | <input type="checkbox"/> Other contract (37) | <input type="checkbox"/> Environmental/Toxic tort (30) |
| <input type="checkbox"/> Medical malpractice (45) | Real Property | <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) |
| <input checked="" type="checkbox"/> Other PI/PD/WD (23) | <input type="checkbox"/> Eminent domain/Inverse condemnation (14) | Enforcement of Judgment |
| Non-PI/PD/WD (Other) Tort | <input type="checkbox"/> Wrongful eviction (33) | <input type="checkbox"/> Enforcement of judgment (20) |
| <input type="checkbox"/> Business tort/unfair business practice (07) | <input type="checkbox"/> Other real property (26) | Miscellaneous Civil Complaint |
| <input type="checkbox"/> Civil rights (08) | Unlawful Detainer | <input type="checkbox"/> RICO (27) |
| <input type="checkbox"/> Defamation (13) | <input type="checkbox"/> Commercial (31) | <input type="checkbox"/> Other complaint (not specified above) (42) |
| <input type="checkbox"/> Fraud (16) | <input type="checkbox"/> Residential (32) | Miscellaneous Civil Petition |
| <input type="checkbox"/> Intellectual property (19) | <input type="checkbox"/> Drugs (38) | <input type="checkbox"/> Partnership and corporate governance (21) |
| <input type="checkbox"/> Professional negligence (25) | Judicial Review | <input type="checkbox"/> Other petition (not specified above) (43) |
| <input type="checkbox"/> Other non-PI/PD/WD tort (35) | <input type="checkbox"/> Asset forfeiture (05) | |
| Employment | <input type="checkbox"/> Petition re: arbitration award (11) | |
| <input type="checkbox"/> Wrongful termination (36) | <input type="checkbox"/> Writ of mandate (02) | |
| <input type="checkbox"/> Other employment (15) | <input type="checkbox"/> Other judicial review (39) | |

2. This case is is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:

- a. Large number of separately represented parties
- b. Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve
- c. Substantial amount of documentary evidence
- d. Large number of witnesses
- e. Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
- f. Substantial postjudgment judicial supervision

3. Remedies sought (check all that apply): a. monetary b. nonmonetary; declaratory or injunctive relief c. punitive

4. Number of causes of action (specify): Two

5. This case is is not a class action suit.

6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: 4/19/22

John N. Metri, Esq.

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

To Plaintiffs and Others Filing First Papers. If you are filing a first paper (for example, a complaint) in a civil case, you must complete and file, along with your first paper, the Civil Case Cover Sheet contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check one box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the primary cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

To Parties in Rule 3.740 Collections Cases. A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

To Parties in Complex Cases. In complex cases only, parties must also use the Civil Case Cover Sheet to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

Auto Tort

- Auto (22)–Personal Injury/Property Damage/Wrongful Death
- Uninsured Motorist (46) (*If the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto*)

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

- Asbestos (04)
- Asbestos Property Damage
- Asbestos Personal Injury/Wrongful Death
- Product Liability (*not asbestos or toxic/environmental*) (24)
- Medical Malpractice (45)
- Medical Malpractice–Physicians & Surgeons
- Other Professional Health Care Malpractice
- Other PI/PD/WD (23)
- Premises Liability (e.g., slip and fall)
- Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)
- Intentional Infliction of Emotional Distress
- Negligent Infliction of Emotional Distress
- Other PI/PD/WD

Non-PI/PD/WD (Other) Tort

- Business Tort/Unfair Business Practice (07)
- Civil Rights (e.g., discrimination, false arrest) (*not civil harassment*) (08)
- Defamation (e.g., slander, libel) (13)
- Fraud (16)
- Intellectual Property (19)
- Professional Negligence (25)
- Legal Malpractice
- Other Professional Malpractice (*not medical or legal*)
- Other Non-PI/PD/WD Tort (35)
- Employment
- Wrongful Termination (36)
- Other Employment (15)

Contract

- Breach of Contract/Warranty (06)
- Breach of Rental/Lease
- Contract (*not unlawful detainer or wrongful eviction*)
- Contract/Warranty Breach–Seller Plaintiff (*not fraud or negligence*)
- Negligent Breach of Contract/Warranty
- Other Breach of Contract/Warranty
- Collections (e.g., money owed, open book accounts) (09)
- Collection Case–Seller Plaintiff
- Other Promissory Note/Collections Case
- Insurance Coverage (*not provisionally complex*) (18)
- Auto Subrogation
- Other Coverage
- Other Contract (37)
- Contractual Fraud
- Other Contract Dispute

Real Property

- Eminent Domain/Inverse Condemnation (14)
- Wrongful Eviction (33)
- Other Real Property (e.g., quiet title) (26)
- Writ of Possession of Real Property
- Mortgage Foreclosure
- Quiet Title
- Other Real Property (*not eminent domain, landlord/tenant, or foreclosure*)

Unlawful Detainer

- Commercial (31)
- Residential (32)
- Drugs (38) (*If the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential*)

Judicial Review

- Asset Forfeiture (05)
- Petition Re: Arbitration Award (11)
- Writ of Mandate (02)
- Writ–Administrative Mandamus
- Writ–Mandamus on Limited Court Case Matter
- Writ–Other Limited Court Case Review
- Other Judicial Review (39)
- Review of Health Officer Order
- Notice of Appeal–Labor Commissioner Appeals

Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)

- Antitrust/Trade Regulation (03)
- Construction Defect (10)
- Claims Involving Mass Tort (40)
- Securities Litigation (28)
- Environmental/Toxic Tort (30)
- Insurance Coverage Claims (*arising from provisionally complex case type listed above*) (41)

Enforcement of Judgment

- Enforcement of Judgment (20)
- Abstract of Judgment (Out of County)
- Confession of Judgment (*non-domestic relations*)
- Sister State Judgment
- Administrative Agency Award (*not unpaid taxes*)
- Petition/Certification of Entry of Judgment on Unpaid Taxes
- Other Enforcement of Judgment Case

Miscellaneous Civil Complaint

- RICO (27)
- Other Complaint (*not specified above*) (42)
- Declaratory Relief Only
- Injunctive Relief Only (*non-harassment*)
- Mechanics Lien
- Other Commercial Complaint Case (*non-tort/non-complex*)
- Other Civil Complaint (*non-tort/non-complex*)

Miscellaneous Civil Petition

- Partnership and Corporate Governance (21)
- Other Petition (*not specified above*) (43)
- Civil Harassment
- Workplace Violence
- Elder/Dependent Adult Abuse
- Election Contest
- Petition for Name Change
- Petition for Relief From Late Claim
- Other Civil Petition

ATTORNEY OR PARTY WITHOUT ATTORNEY (<i>Name, State Bar number, and address</i>):	FOR COURT USE ONLY
TELEPHONE NO.:	FAX NO. (<i>Optional</i>):
E-MAIL ADDRESS (<i>Optional</i>):	
ATTORNEY FOR (<i>Name</i>):	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF HUMBOLDT	
STREET ADDRESS:	825 Fifth St.
MAILING ADDRESS:	825 Fifth St.
CITY AND ZIP CODE:	Eureka, CA 95501
Plaintiff: Leigh Patterson	
Defendant: Costco Wholesale Corporation	
NOTICE OF INCLUSION IN DELAY REDUCTION PROGRAM AND NOTICE OF CASE MANAGEMENT CONFERENCE	
Case Number: CV2200529	

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

Please take notice that the above-entitled action has been included in the Delay Reduction Program of the County of Humboldt. You are required to comply with the guidelines for Program cases as set forth in California Rules of Court, Title 3, Division 7, Chapters 1, 2, and 3, and Humboldt County Local Rules, 2.8 through 2.8.6.

You are further advised that a CASE MANAGEMENT CONFERENCE in the above action has been scheduled for August 22, 2022, at 8:30 AM in Courtroom Four of the above entitled Court. Initial CASE MANAGEMENT STATEMENT on Judicial Council form CM-110 shall be filed with the Court and exchanged among the parties no later than 15 days before the Case Management Conference.

DATE: April 19, 2022

CLERK, By Natasha P. Kim M. Bartleson
, Deputy

HM301

NOTICE OF INCLUSION IN DELAY REDUCTION PROGRAM AND
NOTICE OF CASE MANAGEMENT CONFERENCE

FILED N
APR 19 2022 P
SUPERIOR COURT OF CALIFORNIA
COUNTY OF HUMBOLDT

1 **John Metri, Esq. – SBN 337581**
2 **DOWNTOWN L.A. LAW GROUP**
3 601 N. Vermont Ave.
4 Los Angeles, CA 90004
5 Telephone: (213) 389-3765
6 Facsimile (877) 389-2775
7 Email: John.Metri@downtownlalaw.com

8 Attorneys for Plaintiff,
9 LEIGH PATTERSON

10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
11 **COUNTY OF HUMBOLDT**

12 LEIGH PATTERSON, an individual,

13 Case No.: CV2200529

14 Plaintiff,

15 v.

16 COSTCO WHOLESALE CORPORATION, a
17 Washington corporation; CHERYL DOE, an
18 individual; and DOES 1-50, inclusive,

19 **STATEMENT OF DAMAGES**

20 Defendants.

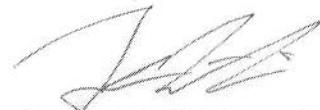
21
22
23
24 Plaintiff, LEIGH PATTERSON, hereby provides to Defendants the following
25 Statement of Damages:

- 26 1. General Damages: In excess of \$1,000,000.00
27 2. Special Damages: In excess of \$1,000,000.00

1 Plaintiff reserves the right to amend this Statement of Damages at a later time, as
2 Discovery develops.
3
4
5
6
7

8 Dated: May 11, 2022

DOWNTOWN L.A. LAW GROUP



10
11 John Metri, Esq.
12 Attorney for Plaintiff
13 LEIGH PATTERSON
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Exhibit B

1 SHARON C. COLLIER (State Bar No. 203450)
Sharon.Collier@fmglaw.com
2 FREEMAN MATHIS & GARY, LLP
1255 Treat Blvd., Suite 300
3 Walnut Creek, CA 94597
P: (925) 644-0918
4 F: (833) 335-7962

5 Attorneys for Defendant COSTCO WHOLESALE
CORPORATION

6

7 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

8 **COUNTY OF HUMBOLDT**

9

10 11 LEIGH PATTERSON, an individual,

12 Plaintiff,

13 v.

14 15 COSTCO WHOLESALE CORPORATION, a
Corporation, CHERYL "DOE", and individual,
and DOES 1 through 25, inclusive,

16 Defendants.

17

18 19 Defendant COSTCO WHOLESALE CORPORATION hereby answers the Complaint of
20 Plaintiff LEIGH PATTERSON as follows:

21 **GENERAL DENIAL**

22 Pursuant to Code of Civil Procedure section 431.30(d), Defendant generally denies each
23 and every allegation contained in Plaintiff's Complaint, and each and every cause of action therein,
24 and specifically denies that Plaintiff has been damaged in any respect by any allegedly wrongful act
25 or omission on the part of Defendant, its officers, employees, or agents. This paragraph is
26 incorporated by reference into each and every affirmative defense set forth below.

27 //

28 //

FIRST AFFIRMATIVE DEFENSE

(Failure to State a Cause of Action)

The Complaint, and each cause of action thereof, fails to set forth facts sufficient to constitute a cause of action against this answering Defendant.

SECOND AFFIRMATIVE DEFENSE

(Comparative Fault)

Defendant alleges that Plaintiff was careless and negligent in and about the matter alleged in her Complaint and that said carelessness and negligence on said Plaintiff's own part proximately contributed to the happening of the accident, to the injuries, losses and damages complained of, if any there were.

THIRD AFFIRMATIVE DEFENSE

(Fault of Others)

13 While at all times denying any liability and responsibility whatsoever to Plaintiff herein,
14 Defendant contends that the alleged liability or responsibility is small in proportion to the alleged
15 liability and responsibility of other persons and entities, including other persons and entities who
16 may or may not be defendants herein, and that Plaintiff should be limited to seeking recovery from
17 this defendant for the proportion of alleged injuries and damages for which this defendant is
18 allegedly liable or responsible, all such alleged liability and responsibility being expressly denied.

FOURTH AFFIRMATIVE DEFENSE

(Assumption of the Risk)

Plaintiff is barred from asserting any claim against Defendant by reason of Plaintiff's assumption of the risk of the matters causing the injuries and damages incurred, if any.

FIFTH AFFIRMATIVE DEFENSE

(Failure to Use Reasonable Diligence)

25 Defendant is informed and believes and thereon alleges that Plaintiff's injuries, losses or
26 damages, if any, were aggravated by Plaintiff's and/or other defendants' failure to use reasonable
27 diligence.

SIXTH AFFIRMATIVE DEFENSE

(Doctrine of Laches)

Defendant alleges that the Plaintiff's claims are barred by the equitable doctrine of laches.

SEVENTH AFFIRMATIVE DEFENSE

(Waiver / Estoppel)

Plaintiff has waived and is estopped from asserting any claim against this Defendant by reason of Plaintiff's approval and consent to the risk in the matters causing the damages alleged, if any, in their acknowledgment of, acquiescence in and consent to the alleged act or omissions, if any, of this Defendant.

EIGHTH AFFIRMATIVE DEFENSE

(Failure to Mitigate Damages)

Defendant alleges that Plaintiff's injuries, losses and damages suffered, if any, which are expressly denied, were caused by Plaintiff's failure to take reasonable steps to mitigate such damages; to the extent that such injuries, losses or damages were caused by Plaintiff's failure to take reasonable steps to mitigate such damages, that such are not recoverable against this answering Defendant.

NINTH AFFIRMATIVE DEFENSE

(Civil Code §1431.2 Apportionment)

The liability of this answering Defendant, if any, for Plaintiff's economic loss should be prorated pursuant to the provisions of California Civil Code section 1431.2.

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PRAAYER FOR RELIEF

WHEREFORE, Defendant prays as follows:

1. That Plaintiff takes nothing by reason of the Complaint;
 2. For judgment in Defendant's favor and dismissal of the action with prejudice;
 3. For costs of suit; and
 5. For such other relief that the Court deems just and proper.

Dated: June 21, 2022

FREEMAN MATHIS & GARY, LLP

By: Sharon C. Collier
Sharon C. Collier
Attorneys for Defendant COSTCO
WHOLESALE CORPORATION

PROOF OF SERVICE

I am employed in the County of Contra Costa, State of California. I am over the age of 18 and not a party to the within action. My business address is 1255 Treat Blvd, Suite 300, Walnut Creek, California 94597. My electronic service email address is javi.brantley@fmglaw.com

On June 21, 2022, I served electronic copies of the within document(s) described as:

**DEFENDANT COSTCO WHOLESALE CORPORATION'S ANSWER TO
COMPLAINT**

on the interested parties in this action as stated below:

**John N. Metri, Esq.
Downtown L.A. Law Group
601 N. Vermont Ave
Los Angeles, CA 90004
T) 213.389.3765
F) 877.389.2775
Email: John.Metri@downto**

Attorney for Plaintiff Leigh Patterson

- (BY E-MAIL) Pursuant to CCP 1010.6, subdivision (e) by transmitting a true copy of the foregoing document(s) to the e-mail addresses set forth above per electronic service agreement.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on June 21, 2022, at Martinez, California.

Javi Brantley
(Type or print name)



(Signature)

Exhibit C

NCTO:

A344517

1587907

AMENDED
STATEMENT AND DESIGNATION
BY
FOREIGN CORPORATION

DO NOT WRITE IN THIS SPACE

FILED
In the office of the Secretary of State
of the State of California

JAN 22 1988

March Fung Eu
MARCH FUNG EU, Secretary of State

COSTCO WHOLESALE CORPORATION

, a corporation

organized and existing under the laws of Washington,
and which is presently qualified for the transaction of intrastate business in the
State of California, makes the following statements and/or designation:

That the name of the corporation has been changed to that hereinabove set forth
and that the name relinquished at the time of such change was _____
CWC Corporation which will do business in California as Washington
Wholesalers Inc.

COSTCO WHOLESALE CORPORATION

(Name of Corporation)

Michael D. Anderton

(Signature of corporate officer)

Corporate

Michael D. Anderton, Secretary

(Typed name and title of officer signing)

INSTRUCTIONS:

1. If this Amended Statement shows a change of corporate name, there must be attached to this Amended Statement a certificate of an authorized public official of the state or place of incorporation, that such change of name was made in accordance with the laws of that state or place.
2. For filing this Amended Statement there is a fee of \$15.00.



STATE of WASHINGTON SECRETARY of STATE

I, Ralph Munro, Secretary of State of the State of Washington and custodian of its seal, hereby certify that according to the records on file in my office Articles of Merger between CWC CORPORATION, a Washington corporation, and COSTCO WHOLESALE CORPORATION, a Delaware corporation, whereby CWC CORPORATION is the surviving corporation under the name COSTCO WHOLESALE CORPORATION were received and filed in this office September 1, 1987.

Date: September 1, 1987
Given under my hand and the seal of the State of Washington, at Olympia, the State Capitol.

A handwritten signature in black ink, appearing to read "Ralph Munro".

Ralph Munro, Secretary of State

Exhibit D

 State of California Secretary of State	F	G752821 FILED In the office of the Secretary of State of the State of California JUN-27 2019
Statement of Information (Foreign Corporation) FEES (Filing and Disclosure): \$25.00. If this is an amendment, see instructions. IMPORTANT – READ INSTRUCTIONS BEFORE COMPLETING THIS FORM		
1. CORPORATE NAME COSTCO WHOLESALE CORPORATION		This Space for Filing Use Only
2. CALIFORNIA CORPORATE NUMBER C1587907		
No Change Statement (Not applicable if agent address of record is a P.O. Box address. See instructions.) 3. If there have been any changes to the information contained in the last Statement of Information filed with the California Secretary of State, or no statement of information has been previously filed, this form must be completed in its entirety. <input type="checkbox"/> If there has been no change in any of the information contained in the last Statement of Information filed with the California Secretary of State, check the box and proceed to Item 13.		
Complete Addresses for the Following (Do not abbreviate the name of the city. Items 4 and 5 cannot be P.O. Boxes.)		
4. STREET ADDRESS OF PRINCIPAL EXECUTIVE OFFICE 999 LAKE DRIVE, ISSAQAH, WA 98027		CITY STATE ZIP CODE
5. STREET ADDRESS OF PRINCIPAL BUSINESS OFFICE IN CALIFORNIA, IF ANY 4649 MORENA BOULEVARD, SAN DIEGO, CA 92117		CITY STATE ZIP CODE
6. MAILING ADDRESS OF THE CORPORATION, IF DIFFERENT THAN ITEM 4 LICENSING P.O. BOX 35005, SEATTLE, WA 98124		CITY STATE ZIP CODE
Names and Complete Addresses of the Following Officers (The corporation must list these three officers. A comparable title for the specific officer may be added; however, the preprinted titles on this form must not be altered.)		
7. CHIEF EXECUTIVE OFFICER/ ADDRESS WALTER C. JELINEK 999 LAKE DRIVE, ISSAQAH, WA 98027		CITY STATE ZIP CODE
8. SECRETARY ADDRESS JOHN C. SULLIVAN 999 LAKE DRIVE, ISSAQAH, WA 98027		CITY STATE ZIP CODE
9. CHIEF FINANCIAL OFFICER/ ADDRESS RICHARD A. GALANTI 999 LAKE DRIVE, ISSAQAH, WA 98027		CITY STATE ZIP CODE
Agent for Service of Process If the agent is an individual, the agent must reside in California and item 11 must be completed with a California street address, a P.O. Box address is not acceptable. If the agent is another corporation, the agent must have on file with the California Secretary of State a certificate pursuant to California Corporations Code section 1505 and item 11 must be left blank.		
10. NAME OF AGENT FOR SERVICE OF PROCESS C T CORPORATION SYSTEM		
11. STREET ADDRESS OF AGENT FOR SERVICE OF PROCESS IN CALIFORNIA, IF AN INDIVIDUAL CITY		STATE ZIP CODE
Type of Business		
12. DESCRIBE THE TYPE OF BUSINESS OF THE CORPORATION WHOLESALE/RETAIL MBRSHP WAREHS		
13. THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT.		
06/27/2019 DATE	GAIL E. TSUBOI TYPE/PRINT NAME OF PERSON COMPLETING FORM	AVP/ASST. SECRETARY TITLE
		SIGNATURE APPROVED BY SECRETARY OF STATE
SI-350 (REV 01/2013)		

CERTIFICATE OF SERVICE

I declare that I am employed in the County of Contra Costa, State of California. I am over the age of eighteen years at the time of service and not a party to the within cause. My employment address is 1255 Treat Blvd, Suite 300, Walnut Creek, CA 94597 and my electronic service address is javi.brantley@fmglaw.com.

On June 21, 2022, I served copies of the attached document(s) entitled:

**DEFENDANT COSTCO WHOLESALE CORPORATION'S REQUEST FOR JUDICIAL
NOTICE [FRE 201]**

on the interested parties in this action, by placing a true and correct copy thereof enclosed in a sealed envelope, addressed as follows: *Attorney for Leigh Patterson*

Attorney for Leigh Patterson

**John N. Metri, Esq
Downtown L.A. Law Group**

**601 N. Vermont Ave
Los Angeles, Ca 90004
E-mail: john.metri@dt**

E-mail: john.metri@downtownlalaw.com

ý **BY ECF.** Pursuant to rule 5 of Federal Rules of Procedure, I served the attorneys of record by filing on the Court's ECF system.

I declare under penalty of perjury under the laws of the United States of America and the State of California that the foregoing is true and correct.

Executed on June 21, 2022 at San Francisco, California.

/s/ Javier Alexandria Brantley
Javier Alexandria Brantley